

CHAPTER NO. 5

SENATE BILL NO. 287

By Rochelle

Substituted for: House Bill No. 1288

By Lois DeBerry, Rinks, McDaniel

AN ACT To amend Tennessee Code Annotated, Section 45-17-112, relative to authorizing deferred presentment services licensees to collect a handling charge and court costs and reasonable attorney fees in a civil action for a dishonored check.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:


SECTION 1. Tennessee Code Annotated, Section 45-17-112(i), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account or a stop payment order, the licensee shall have the right to all civil means available and allowed by law to collect the check, including the right to collect court costs incurred in bringing the civil action as authorized in Section 47-29-101(a)(4), (b) and (c) and shall further have the authority to assess a handling charge against the maker or drawer in the amount authorized by Section 47-29-102; provided, only one such handling charge may be collected with respect to any check even if the check has been re-deposited and returned more than once; provided, however, that the licensee shall not have the right to collect attorney's fees relating to the check. No other provisions of title 47, chapter 29, are applicable to or for a licensee under this part.

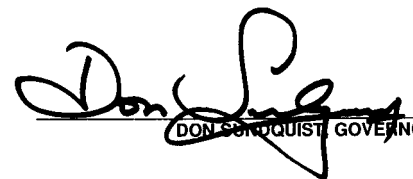
SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

PASSED: March 12, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of March 2001


DON SUNDQUIST, GOVERNOR